

CONSTRUCTION¹

Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, [\$366,044,000] \$323,901,000, to remain available until expended, of which [\$66,851,000] \$82,202,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act[: *Provided*, That of the amount provided for Cuyahoga National Park, \$200,000 may be used for the Cuyahoga Valley Scenic Railroad platform and station in Canton, Ohio].

(*Department of the Interior and Related Agencies Appropriations Act, 2002; additional authorizing legislation required.*)

[For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Construction", \$21,624,000, to remain available until expended, to be obligated from amounts made available in Public law 107-38; *Provided*, That notwithstanding any other provision of law, single but separate procurements for the construction of security improvements at the Washington Monument, for security improvements at the Lincoln Memorial, and for security improvements at the Jefferson Memorial, may be issued that include the full scope of each project, except that each solicitation and contract shall contain the clause "availability of funds" found at section 52.232.18 of title 48, Code of Federal Regulations.]
(*Emergency Supplemental Act, 2002.*)

Justification of Proposed Language Changes

1. Deletion: "[: *Provided*, That of the amount provided for Cuyahoga National Park, \$200,000 may be used for the Cuyahoga Valley Scenic Railroad platform and station in Canton, Ohio]"

This language earmarking funds is no longer needed because the funding earmarked has served its purpose and is not requested again.

2. Deletion: The entire language in the Emergency Supplemental Act, 2002.

The language providing funding is no longer needed because the funding provided has served its purpose and is not requested again. The language regarding separate procurements for the construction of security improvements at certain monuments is no longer needed because the language has served its purpose and is no longer needed.

Appropriation Language Citations

1. For construction, improvements, repair or replacement of physical facilities,

16 U.S.C. 1-1c creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

16 U.S.C. 7a-7e provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national

¹Heading of appropriation reflects current heading and not the heading proposed in the Budget Appendix.

parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

16 U.S.C. 461-467 provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

2. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,

16 U.S.C. 410r-8, Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229). Section 104 authorizes certain modifications at Everglades National Park.

16 U.S.C. 410r-6(f), Section 102(f) of the Everglades National Park Protection and Expansion Act of 1989. Section 102(f) authorizes appropriations for this purpose.

3. \$_____, to remain available until expended,

No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.

4. of which \$_____ is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

2 U.S.C. 900(c)(4)(E)(xiv), section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shows Federal Infrastructure Improvement as an account that another part of the Act (section 250(c)(4)(J)) includes in the "Federal Deferred Maintenance subcategory" of the conservation spending category. Congress has included such funds in the Construction account beginning fiscal year 2002.